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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

**NOTICE OF MOTION NO.815 OF 2005**
IN
SUMMONS FOR JUDGMENT NO.234 OF 2004
IN
SUMMARY SUIT NO.4035 OF 2003

Global Sea Supply Private Limited ).. Plaintiffs

Versus

Prospects Shipping Private Limited ).. Defendants

Mr.Vimal Gupta for the Plaintiffs.

Mr.P.James i/b.A.M. Vernekar for the Defendants.

**CORAM : SMT. NISHITA MHATRE, J.**

**DATED : 17TH JULY 2006**

**P.C.:**

. By an order dated 16th February 2005, the Suit was dismissed for default. The Plaintiffs have taken out the present Motion seeking restoration of the Suit. In the affidavit in support of the Motion, the Plaintiffs have averred that their Advocate was unwell on that date and, therefore, could not remain present. An additional affidavit has been filed by the Managing Director of the Plaintiffs stating that in the absence of their Advocate, he did not mention that he was present in Court when the matter was called out.

2. This is a Summary Suit filed by the Plaintiffs. The Plaintiffs have shown sufficient cause for restoration of the Suit.

3. In my view, interest of justice would be met if the Suit is restored on the condition that the Plaintiffs pay costs of Rs.5,000/- (Rupees Five Thousand only) to the Maharashtra State Legal Services Authority within two weeks from today.

4. Motion disposed off accordingly.